

PATENT COOPERATION TREATY

TRANSLATION

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

Date of mailing
(day/month/year)

Applicant's or agent's file reference

H0322000

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/JP2004/000850

International filing date (day/month/year)

29.01.2004

Priority date (day/month/year)

International Patent Classification (IPC) or both national classification and IPC

Applicant

YKK CORPORATION

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☒ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/JP

Authorized officer

Facsimile No.

Telephone No.

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Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language
_____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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Box No. IV

Lack of unity of invention

1. ☐ In response to the invitation (Form PCT/ISA/206) to pay additional fees the applicant has:
- ☐ paid additional fees
 - ☐ paid additional fees under protest
 - ☐ not paid additional fees
2. ☒ This Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is
- ☐ complied with
 - ☒ not complied with for the following reasons:

The "special technical feature" of the inventions according to claims 1-11, 16-19 relates to an article having a first identification medium and a second identification medium mounted thereon, and the "especial technical feature" of the inventions according to claims 12-15, 20-22 relates to an article having an identification medium mounted thereon in which a first identification medium for short-range communication has removably connected thereto an antenna for long-range communication. Since these inventions are not in a technical relation including one or more identical or corresponding special technical features, it is not deemed that they are so linked as to form a single general inventive concept.

4. Consequently, this opinion has been established in respect of the following parts of the international application:
- ☒ all parts
 - ☐ the parts relating to claims Nos. _____

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Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	<u>1-22</u>	YES
	Claims		NO
Inventive step (IS)	Claims	<u>11</u>	YES
	Claims	<u>1-10, 12-22</u>	NO
Industrial applicability (IA)	Claims	<u>1-22</u>	YES
	Claims		NO
2. Citations and explanations:			
<p>Document 1: JP 2003-141650 A (Telemidic Ltd.); 16 May 2003</p> <p>Document 2: JP 2002-125721 A (Sanko Kabushiki Kaisha), 08 May 2002,</p> <p>Document 3: JP 2001-512592 A (Sensormatic Electronics Corp.), 21 August 2001,</p> <p>Document 4: JP 2003-308504 A (Kobayashi Kirokushi Co., Ltd.), 31 October 2003</p> <p>Document 5: JP 2001-519918 A (Precision Dynamics Corp.), 23 October 2001</p> <p>Document 6: JP 2003-179526 A (Sony Corp.), 27 June 2003, Full text; all drawings</p> <p>(Family: none)</p> <p>The invention of claim 1 does not appear to involve an inventive step based on document 1 cited in the ISR.</p> <p>Paragraphs 0002-0004, 0009, 0013 and 0014, and Figs. 2 and 3 of document 1 describe an article equipped with and RF tag and a pilferage-preventing tag, while removably attaching a tag to an article is a well-known and common technology.</p> <p>The invention of claim 2 does not appear to involve an inventive step based on documents 1 and 2 cited in the ISR.</p> <p>The RF tag of document 1 and the slide fastener of document 2, in which are embedded an IC chip and an antenna, share a common function, and belong to similar technical fields; hence, a person skilled in the art could easily arrive at using the slide fastener described in document 2 instead of the RF tag described in document 1.</p> <p>The invention of claim 3 does not appear to involve an inventive step based on documents 1 and 2 cited in the ISR.</p> <p>Removably attaching a wireless IC tag, having for instance a price tag function, onto a product such as a fastener or the like is a well-known common technology.</p>			

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Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

Claim 11 describes communication between a first identification medium and a second identification medium, but the description does not illustrate in concrete terms how communication takes place between the first identification medium and the second identification medium, which are passive-type wireless IC tags.

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of: Box V

The invention of claim 4 does not appear to involve an inventive step based on documents 1 and 2 cited in the ISR.

Removably attaching a price tag onto the pull-tab of a slide fastener is an ordinary procedure, and thus no particular technical difficulty can be found in removably attaching a well-known wireless IC tag having a price tag function onto the pull-tab of a slide fastener.

The invention of claim 5 does not appear to involve an inventive step based on documents 1 and 2 cited in the ISR.

The invention of claim 6 does not appear to involve an inventive step based on documents 1 and 2 cited in the ISR.

Using a wireless IC tag for true-false decision is a well-known common technology.

The invention of claim 7 does not appear to involve an inventive step based on documents 1 and 2 cited in the ISR.

Using a tag in an identification medium for distribution control is a conventionally well-known technology.

The invention of claim 8 does not appear to involve an inventive step based on documents 1 and 2 cited in the ISR.

The setting of the communication distance of each tag described in document 1 is a design choice that a person skilled in the art can suitably make as the case may require.

The invention of claim 9 does not appear to involve an inventive step based on documents 1 and 2 cited in the ISR.

The setting of the operative frequency band of each tag described in document 1 is a design choice that a person skilled in the art can suitably make as the case may require.

The invention of claim 10 does not appear to involve an inventive step based on documents 1 and 2 cited in the ISR.

The setting of the communication distance of each tag described in document 1 is a design choice that a person skilled in the art can suitably make as the case may require.

The invention of claim 11 is not disclosed in any of the documents cited in the ISR and hence appears to possess novelty.

In particular, neither document 1 nor document 3, arguably the most closely related prior art documents, disclose the feature of sending and receiving signals between a first identification medium and a second identification medium provided on a same article.

Supplemental Box

V2

The inventions of claims 12, 13 do not appear to involve an inventive step based on documents 4, 5 and 6 cited in the ISR.

Documents 4 and 5 describe an IC tag having a detachable antenna, and document 6 describes electromagnetically coupling an antenna for long-range communication with a wireless IC tag for short-range communication.

The detachable structure of the antenna of documents 4 and 5, and the coupling structure of the antenna used for long-range communication described in document 6 belong to closely related technical fields, and hence a person skilled in the art could easily conceive of applying the detachable structure of the antenna of documents 4 and 5 to the coupling structure of the antenna described in document 6.

The invention of claim 14 does not appear to involve an inventive step based on documents 2, 4, 5 and 6 cited in the ISR.

The IC tag of documents 4, 5 and 6, and the slide fastener housing an IC chip described in document 2 share a common function, and belong to similar technical fields; hence, a person skilled in the art could easily arrive at using the slide fastener described in document 2 instead of the IC tag described in documents 4, 5 and 6.

The invention of claim 15 does not appear to involve an inventive step based on documents 2, 4, 5 and 6 cited in the ISR.

A wireless IC tag with a detachable battery is a conventionally well-known technology.

The inventions of claims 16, 17 and 18 do not appear to involve an inventive step based on document 1 cited in the ISR.

The invention of claim 19 does not appear to involve an inventive step based on document 1 cited in the ISR.

Reusing an IC tag is a conventionally well-known technology.

The inventions of claims 20, 21 and 22 do not appear to involve an inventive step based on documents 4, 5 and 6 cited in the ISR.